



3736

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8 IDS
10/21/03

APPLICANT: Cragg et al
SERIAL NO.: 10/069,107
FILING DATE: 12/16/02
TITLE: DEVICE AND METHOD FOR DETERMINING A DEPTH OF AN
INCISION
EXAMINER: Unassigned
ART UNIT: 3736

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class
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INFORMATION DISCLOSURE STATEMENT

Each item of information listed in the attached FORM PTO-1449, for which a
copy of each is attached, may be material to the examination of the above-identified
application and is, therefore, submitted in compliance with the duty of disclosure defined
in 37 CFR §§ 1.56, 1.97 and 1.98. The Examiner is requested to make these items of
official record in this application.

This Information Disclosure Statement under 37 CFR §§ 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

I

This statement is filed pursuant to:

(X) 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing date of a first office action on the merits, or (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

() 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97 (b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113; (2) a notice of allowance under 37 C.F.R. § 1.311; or (3) an action that otherwise closes prosecution in the application.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17 (p) for submission of an information disclosure statement under 37 C.F.R. § 1.97 (c) (\$180); or a certification according to 37 C.F.R. § 1.97 (e).

() 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97 (c).

Accordingly, this information disclosure statement requires the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$180), and a certification according to 37 C.F.R. § 1.97(e).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

II

- (X) No fee is due.
- () The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$180).

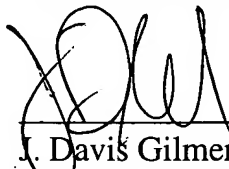
Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698. An additional copy of this page is enclosed.

III

Pursuant to 37 C.F.R. § 1.97(e) , I certify:

- (X) No certification is necessary.
- () (1) Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information statement; or
- () (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

Respectfully submitted,
THELEN REID & PRIEST LLP



J. Davis Gilmer
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Dated: October 9, 2003

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| Form PTO 1449 (Rev. 2-32) | | | | U.S. Department of Commerce Patent and Trademark Office | | Atty. Docket No. 034298-130 | | Serial No. 10/069,107 | |
|---|----|--------------|------|--|-----------------|--------------------------------|-----------|--------------------------|--|
| Information Disclosure Statement by Applicant | | | | | | Applicant: Cragg et al | | | |
| (Use several sheets if necessary) | | | | | | Filed: 12/16/02 | | Group: 3736 | |
| U.S. Patent Documents | | | | | | | | | |
| Init. | | Document No. | Date | Name | Class | Subclass | Pub. Date | | |
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| Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant. | | | | | | | | | |

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|---|----|--------------|------|--------------------------------|-----------------|--------------------------|-----------|
| PTO 1449 (Rev. 2-32) U.S. Department of Commerce Patent and Trademark Office | | | | Atty. Docket No. 034298-130 | | Serial No. 10/069,107 | |
| Information Disclosure Statement by Applicant | | | | Applicant: Cragg et al | | | |
| (Use several sheets if necessary) | | | | Filed: 12/16/02 | | Group: 3736 | |
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| Examiner | | | | | Date Considered | | |
| Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant. | | | | | | | |

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| Form PTO 1449 (Rev. 2-32) | | U.S. Department of Commerce Patent and Trademark Office | Atty. Docket No. 034298-130 | Serial No. 10/069,107 |
| Information Disclosure Statement by Applicant | | | Applicant: Cragg et al | |
| (Use several sheets if necessary) | | | Filed: 12/16/02 | Group: 3736 |
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